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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
MICHAEL TSAN,)
)
Defendant.)
_____)

No. CR 3-10-70333 BZ

STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING HEARING TO
JUNE 11, 2010 AT 9:30 A.M. AND
EXCLUDING TIME FROM MAY 25, 2010
THROUGH JUNE 11, 2010

On May 3, 2010, the parties in this case appeared before the Court for a detention hearing. A preliminary hearing for this matter is currently set before the Court on May 25, 2010. The parties hereby jointly and respectfully request that the Court continue this matter to Friday, June 11, 2010 at 9:30 a.m. before the duty Magistrate Judge James Larson for a preliminary hearing. The parties stipulate that pursuant to Federal Rule of Criminal Procedure (FRCP) 5.1(d), the time limits set forth in FRCP 5.1(c) be excluded from May 25, 2010 through June 11, 2010. The parties agree that – taking into account the public interest in prompt disposition of criminal cases – good cause exists for this extension. Defendant also agrees to exclude for this period of time any time limits applicable under Title 18, United States Code, Section 3161. The

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parties represented that granting the continuance was the reasonable time necessary for continuity of defense counsel and effective preparation of defense counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice served by granting such a continuance outweighed the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A).

SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

5/19/2010
DATED: _____

/s/ Derek Owens

DEREK OWENS
Assistant United States Attorney

5/19/2010
DATED: _____

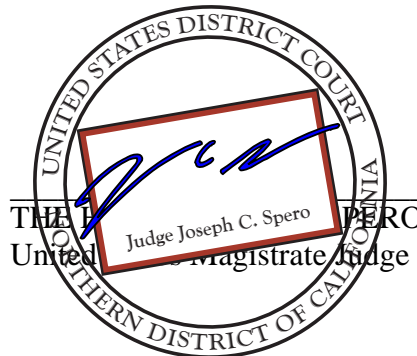
/s/ Randy Sue Pollock

RANDY SUE POLLOCK
Attorney for Mr. Tsan

For the reasons stated above, the Court hereby vacates the May 25, 2010 hearing before Magistrate Judge Joseph C. Spero and continues it to Friday, June 11, 2010 at 9:30 a.m. before the duty Magistrate Judge James Larson for a preliminary hearing. The Court further finds that an exclusion of time from May 25, 2010 through June 11, 2010 is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. §3161 (h)(8)(A); FRCP 5.1(d). The failure to grant the requested continuance would deny the defendant of continuity of counsel and would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

SO ORDERED.

05/25/10
DATED: _____



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